

Winter 2013

## Gubernatorial Power and the Nationalization of State Politics

Paul Nolette

Follow this and additional works at: <https://digitalcommons.law.utulsa.edu/tlr>



Part of the [Law Commons](#)

---

### Recommended Citation

Paul Nolette, *Gubernatorial Power and the Nationalization of State Politics*, 49 Tulsa L. Rev. 279 (2013).

Available at: <https://digitalcommons.law.utulsa.edu/tlr/vol49/iss2/5>

This Book Review is brought to you for free and open access by TU Law Digital Commons. It has been accepted for inclusion in Tulsa Law Review by an authorized editor of TU Law Digital Commons. For more information, please contact [megan-donald@utulsa.edu](mailto:megan-donald@utulsa.edu).

## GUBERNATORIAL POWER AND THE NATIONALIZATION OF STATE POLITICS

Paul Nolette \*

SALADIN M. AMBAR, *HOW GOVERNORS BUILT THE MODERN AMERICAN PRESIDENCY* (2012). Pp. 200. Hardcover \$55.00.

THAD KOUSSER & JUSTIN H. PHILLIPS, *THE POWER OF AMERICAN GOVERNORS: WINNING ON BUDGETS AND LOSING ON POLICY* (2012). Pp. 296. Hardcover \$94.00.

Governors, the late Alan Rosenthal argued, have the “best job in politics.”<sup>1</sup> For political entrepreneurs looking to influence policy and establish a national reputation, there appear few better venues than the governorship to do so. In my home state of Wisconsin, for example, Governor Scott Walker has emerged as a possible candidate for the 2016 Republican presidential nomination after winning on several controversial policy proposals and surviving a subsequent recall election.<sup>2</sup> On the other side of the ideological divide, Democratic governors such as Maryland’s Martin O’Malley and New York’s Andrew Cuomo have achieved liberal policy successes, catapulting them into the national limelight.<sup>3</sup> Meanwhile, parties and interest groups devote more resources than ever to influence gubernatorial races. In 2010 alone, when thirty-seven governors’ races were decided across the United States, the total cost of gubernatorial elections exceeded \$920 million.<sup>4</sup>

These important political actors are the subject of two impressive new books that use different approaches to examine governors’ power and influence. In his book, *How Governors Built the Modern American Presidency*, Saladin Ambar develops a rich historical narrative to argue that the emergence of powerful Progressive Era governors influenced the establishment of the modern American presidency.<sup>5</sup>

---

\* Assistant Professor of Political Science, Marquette University.

1. ALAN ROSENTHAL, *THE BEST JOB IN POLITICS: EXPLORING HOW GOVERNORS SUCCEED AS POLICY LEADERS* 8 (2013).

2. Beth Reinhard, *Is Scott Walker the GOP’s Sleeper Presidential Candidate?*, NAT’L J. (June 19, 2013, 11:18 AM), <http://www.nationaljournal.com/politics/is-scott-walker-the-gop-s-sleeper-presidential-candidate-20130617>.

3. See Raymond Hernandez, *For Ambitious Governor, a Clinton Stands in the Way*, N.Y. TIMES (Sept. 21, 2012), <http://www.nytimes.com/2012/09/22/nyregion/cuomos-presidential-dreams-and-a-clinton-in-the-way.html?>; James Hohmann, *Martin O’Malley Outlines ’16 Candidacy*, POLITICO (Aug. 3, 2013, 7:56 PM), <http://www.politico.com/story/2013/08/martin-omalley-2016-95165.html>.

4. Thad Beyle, *Gubernatorial Elections, Campaign Costs, and Winning Governors*, in *THE BOOK OF THE STATES* 147 (2013).

5. SALADIN M. AMBAR, *HOW GOVERNORS BUILT THE MODERN AMERICAN PRESIDENCY* 8 (2012).

Thad Kousser and Justin H. Phillips's *The Power of American Governors: Winning on Budgets and Losing on Policy* employs a wide array of methods to tease out the conditions under which contemporary governors are empowered and constrained.<sup>6</sup> While both books focus specifically on governors, both correctly emphasize that studying governors can reveal insights about the nature of executive power more broadly. Ambar is more explicit in this regard, framing his narrative with a claim that the exercise of chief executives' power in the states helped influence the shape of executive power on the national level.<sup>7</sup> While the connection is more implicit throughout Kousser and Phillips's work, one of the authors' stated goals is to convince scholars to "examine governors as part of a wider research agenda on executive power."<sup>8</sup>

In this sense, both books are part of a welcome trend emphasizing that the study of the American states can teach us much about broader developments in American politics. This is partly because, as Sanford Levinson remarked in reference to America's fifty state constitutions, the states contain a "treasure trove of material in front of our very eyes," allowing scholars to examine greater variation than focusing on national politics alone.<sup>9</sup> As Kousser and Phillips similarly put it, American federalism provides a "great research design opportunity" that scholars and students of national politics ought not to ignore.<sup>10</sup>

More fundamentally, the scholarly separation of "state" and "national" politics has become increasingly untenable for another reason. Politics since the New Deal, as E.E. Schattschneider noted, has become increasingly nationalized as the issues political parties contested has shifted from the local to the national scale.<sup>11</sup> The nationalization of state politics has become even more apparent in the decades since Schattschneider made this argument in 1960. Several scholars, for example, have argued that previously sharp cultural differences across the states have since receded.<sup>12</sup> New federal social policies adopted in the 1960s and 1970s explicitly incorporated the states into the operation of federal programs, granting state actors both greater interest and ability to help shape national policy.<sup>13</sup> National advocacy

---

6. THAD KOUSSER & JUSTIN H. PHILLIPS, *THE POWER OF AMERICAN GOVERNORS: WINNING ON BUDGETS AND LOSING ON POLICY* 22-25 (2012).

7. AMBAR, *supra* note 5, at 8.

8. KOUSSER & PHILLIPS, *supra* note 6, at 8.

9. Sanford Levinson, *America's "Other Constitutions": The Importance of State Constitutions for Our Law and Politics*, 45 TULSA L. REV. 813, 816 (2011).

10. KOUSSER & PHILLIPS, *supra* note 6, at 8.

11. E.E. SCHATTSCHNEIDER, *THE SEMISOVEREIGN PEOPLE: A REALIST'S VIEW OF DEMOCRACY IN AMERICA* 89 (1960).

12. *E.g.*, MALCOLM M. FEELEY & EDWARD RUBIN, *FEDERALISM: POLITICAL IDENTITY AND TRAGIC COMPROMISE* 152 (2008); ROBERT A. SCHAPIRO, *POLYPHONIC FEDERALISM: TOWARD THE PROTECTION OF FUNDAMENTAL RIGHTS* 5 (2009); Mark Tushnet, *Federalism as a Cure for Democracy's Discontent?*, in *DEBATING DEMOCRACY'S DISCONTENT: ESSAYS ON AMERICAN POLITICS, LAW, AND PUBLIC PHILOSOPHY* 307, 313 (Anita L. Allen & Milton C. Regan, Jr. eds., 1998).

13. This was particularly true of health care and environmental policy, which Congress built upon a frame of cooperative federalism in which states and the federal government shared responsibility for policy implementation. See John P. Dwyer, *The Practice of Federalism Under the Clean Air Act*, 54 MD. L. REV. 1183, 1197-98 (1995) (describing the operation of cooperative federalism in American environmental policy); Nicole Huberfeld, *Federalizing Medicaid*, 14 U. PA. J. CONST. L. 431, 436-53 (2011) (describing the development of the federal-state partnership in the Medicaid program).

groups, such as the conservative American Legislative Exchange Council, have looked to the states as opportunity points to spread policy ideas across the nation in a coordinated fashion.<sup>14</sup>

These developments have meant that state politics have increasingly become an extension of larger national policy battles. This makes the study of “state politics” a practical necessity for anyone interested in understanding national politics. Given that governors increasingly seek to engage in a broader national debate about policy—with the helpful side benefit, of course, of introducing themselves to a national audience—books such as Ambar’s and Kousser and Phillips’s contain much of interest even to those outside the subfield of state politics.

As mentioned earlier, Ambar’s book is explicit about linking together developments in state and national politics.<sup>15</sup> His central claim is that governors “built a set of practices and theories that ultimately shaped presidential behavior and, indeed, made acceptable a broad executive-centered approach to governance in America.”<sup>16</sup> Governors as early as Samuel Tilden and Rutherford B. Hayes, who ran against one another in the 1876 presidential race, pursued a new understanding of executive power that included a deep belief in executive-centered government and a willingness to push the envelope on executive power.<sup>17</sup> Subsequent Progressive Era governors developed this understanding, becoming more aggressive in taking on new leadership roles within their parties and institutionalizing more effective press and media relations.<sup>18</sup> As governors began developing a more robust vision of their executive role, they were no longer “little more than ciphers,” as James Madison described early American governors, but instead powerful and nationally influential actors.<sup>19</sup>

Ambar claims that governors’ national influence stemmed from their influence on the way modern presidents understood executive power.<sup>20</sup> Part of this influence was related to the sheer number of governors during the late nineteenth and early twentieth centuries who ended up in the White House.<sup>21</sup> Between Hayes and Franklin Roosevelt, “presidents were twice as likely . . . to have had prior elective executive experience” as earlier presidents from Washington to Grant.<sup>22</sup> While in national office, several of these governor-presidents relied upon aggressive uses of executive power that they had already used in their governorships, such as extensive use of the veto and challenges to powerful legislators’ claims to party leadership.<sup>23</sup> Gubernatorial actions also served as inspiration for presidents and fellow

---

14. Mike McIntire, *Conservative Nonprofit Acts as Stealth Business Lobbyist*, N.Y. TIMES, Apr. 21, 2012, <http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?pagewanted=all&r=0>.

15. AMBAR, *supra* note 5, at 8.

16. *Id.*

17. *Id.* at 8-9.

18. *Id.* at 4.

19. *Id.* at 22.

20. *Id.* at 8.

21. *Id.*

22. *Id.*

23. *Id.* at 10-11.

governors, as when President Woodrow Wilson borrowed Wisconsin Governor Robert La Follette's symbolic gesture of communicating his annual message in person directly to the legislature.<sup>24</sup>

The book's case studies provide a rich account of the burgeoning power of governors throughout the Progressive Era. While other governors such as La Follette and Grover Cleveland receive attention, the three central case studies focus on the New York governorships of Theodore Roosevelt and Franklin Roosevelt, as well as Woodrow Wilson's tenure as New Jersey's chief executive. The historical narrative traces how these governors expanded executive power through encounters such as Wilson's intraparty fight with New Jersey Democratic boss James Smith<sup>25</sup> and Theodore Roosevelt's shepherding the Ford franchise tax bill through the New York legislature.<sup>26</sup> Students and scholars will learn much from the rich case studies in this book, particularly since the narratives Ambar highlights are so frequently overlooked relative to these policy entrepreneurs' later accomplishments as presidents.

Beyond his interesting historical narratives, one of the strengths of Ambar's book is his weaving of broader political trends in American politics into his study of the growth of gubernatorial influence. He discusses how the emergence of "a society without a core"<sup>27</sup> during the period after Reconstruction, driven in part by the alienating effects of rapid industrialization, led to new calls for plebiscitary leadership.<sup>28</sup> Skilled governors took advantage of this state of affairs by fashioning themselves as tribunes of the people, much as modern presidents began to do during this period.<sup>29</sup> By showing that governors were expanding executive power even before the start of the Progressive Era, Ambar provides a convincing retort to the suggestion, made most famously by Arthur Schlesinger in *The Imperial Presidency*, that the expansion of presidential power in the twentieth century was primarily a product of the president's wartime and foreign policy powers.<sup>30</sup> Instead, Ambar illustrates that the expansion of executive influence began well before the institutionalization of presidents' wide claims of wartime powers.

My intuition is that Ambar's claims about the influence of gubernatorial power on the development of the modern presidency are largely correct. Overall, however, the book might have done a bit more to demonstrate the bold claim of its title. Most importantly, while Ambar documents important changes in executive leadership occurring on both the state and national level during the Progressive Era, it is not clear whether the changes on the national level resulted from, as opposed to simply being contemporaneous with, developments on the state level. Would the modern presidency have failed to emerge without the actions of innovative governors on the state level?

---

24. *Id.* at 39.

25. AMBAR, *supra* note 5, at 87-93.

26. *Id.* at 60-63.

27. ROBERT H. WIEBE, *THE SEARCH FOR ORDER, 1877-1920*, at 12 (1967).

28. AMBAR, *supra* note 5, at 21-23.

29. *Id.* at 23.

30. ARTHUR M. SCHLESINGER, JR., *THE IMPERIAL PRESIDENCY* viii-ix (1973).

Ambar's central claim appears predicated on this being true. Yet it seems plausible that the growth of the modern presidency relied not on a "bottom-up federalism" in which new ideas diffused from the states to the national level, but rather from broader trends that simultaneously affected executive leadership across all levels of government. If this is true, it would be more accurate to say that what really built the modern American presidency was the same public demand for "[e]nergy in the executive"<sup>31</sup> everywhere that could be used to counter inaction in other branches of government. This interpretation seems the most likely when one considers other developments on the state level at the time. Other independently elected state-level executives faced intense public pressure to confront emerging issues during the Progressive Era, such as the rise of corporate trusts, and many used their offices in innovative ways to react to public demand.<sup>32</sup> Ambar himself notes how "the prerogatives of the new American executive were evident in a variety of venues," providing the example of newly elected New York City Mayor Robert Van Wyck's "invocation of an executive zeitgeist" in 1898.<sup>33</sup>

Ambar provides several tantalizing hints of the unique influence governors had on the development of modern presidents' expansive claims of executive authority. For example, he presents evidence that "though governor-presidents make up less than 40 percent of all presidents, they account for a surprising 64 percent of all presidential vetoes."<sup>34</sup> This suggests that governor-presidents did learn from their previous experience as their states' chief executives. He also provides a good discussion of how Herbert Croly, whose *The Promise of American Life*<sup>35</sup> is often credited with influencing Theodore Roosevelt, himself "drew inspiration for his model of executive politics from America's early twentieth-century governors."<sup>36</sup> Gubernatorial actions during this time helped support Croly's argument that his conception of executive authority already had a lineage in American politics.<sup>37</sup>

While these aspects of Ambar's narrative help build the case that something was special about Progressive Era governors, Ambar might have bolstered his argument about the uniqueness of gubernatorial influence by closely examining the presidencies of those without previous experience as governors. Did presidents with different backgrounds, such as Benjamin Harrison and William Howard Taft, use their executive power in a fundamentally different way than the governor-presidents? Did Herbert Hoover have a more limited conception of executive power because he did not previously serve as governor? Given the centrality of Ambar's

---

31. THE FEDERALIST NO. 70, at 423 (Alexander Hamilton) (Clinton Rossiter ed., 1961).

32. See generally Paul Nolette, *Litigating the "Public Interest" in the Gilded Age: Common Law Business Regulation by Nineteenth-Century State Attorneys General*, 44 POLITY 373 (2012) (discussing the role of state attorneys general during the late nineteenth and early twentieth centuries and how they pursued a vision of the public interest by employing public nuisance and *quo warranto* litigation against businesses).

33. AMBAR, *supra* note 5, at 56.

34. *Id.* at 34-35.

35. See HERBERT DAVID CROLY, *THE PROMISE OF AMERICAN LIFE* (1909).

36. AMBAR, *supra* note 5, at 50.

37. *Id.* at 51.

argument that “presidential background matters,”<sup>38</sup> consideration of how non-governor presidents treated the executive power at their disposal would be a particularly fruitful inquiry.

It would have also been beneficial to get a stronger sense of the relative influence of formal versus informal sources of power on the expansion of gubernatorial authority. This is particularly important given that informal power is a cornerstone of the modern presidency.<sup>39</sup> At several points in the narrative, Ambar emphasizes the importance of formal gubernatorial powers contained in state constitutions.<sup>40</sup> Early on, for example, he suggests that states often “took the lead in recasting legislative-executive relations” because state constitutions were easier to amend than the federal constitution.<sup>41</sup> “Hudson Progressives” play such a crucial role in his narrative partly because New York governors like Samuel Tilden had much more formal authority than governors in other states,<sup>42</sup> and New Jersey’s Constitution granted its chief executives, such as Woodrow Wilson, more power relative to those elsewhere.<sup>43</sup>

It is not clear how much these formal constitutional powers really mattered in the development of new conceptions of executive authority, however. Ambar describes many other instances of governors relying upon more informal resources, such as patronage opportunities, media influence, and informal claims of authority, to build executive power.<sup>44</sup> Perhaps most strikingly, as Ambar recounts, Woodrow Wilson announced during his campaign for governor that he would act as “an unconstitutional Governor” by using his informal executive powers to the fullest.<sup>45</sup> Ambar might have probed deeper to examine the sources of gubernatorial authority, which could strengthen his argument that there really was something distinctive about the influence of American governors.<sup>46</sup> In other words, did governors rely upon distinct characteristics of their offices to develop new conceptions of executive authority, or is the nature of executive authority so open-ended that political entrepreneurs in *any* executive office will find ways to push their prerogative as far as it will go?

While these points might have been fleshed out a bit more, this book is an important advance in the understanding of executive power. Students and scholars alike will find it a good read brimming with many insights and rich historical detail. Perhaps most importantly, Ambar’s book serves as a fine addition to recent scholarly trends seeking to break down the too-sharp distinction between “state politics” on the one hand and “national politics” on the other.

Much like *How Governors Built the Modern American Presidency*, Kousser and

---

38. *Id.* at 10.

39. See RICHARD NEUSTADT, *PRESIDENTIAL POWER: THE POLITICS OF LEADERSHIP* 179 (1960).

40. AMBAR, *supra* note 5, at 35, 54, 76.

41. *Id.* at 2.

42. *Id.* at 29-30.

43. *Id.* at 76.

44. *Id.* at 4.

45. *Id.* at 80.

46. *Id.* at 6-7.

Phillips's *The Power of American Governors* portrays governors as influential political actors. Their book focuses on governors in the contemporary context, ambitiously tackling several questions pertaining to the power of modern governors. How do governors, who lack any formal constitutional power to craft legislation, nevertheless respond to public demands for policy leadership?<sup>47</sup> Under what conditions are governors most likely to succeed and when are they most likely to fail?<sup>48</sup> One of the book's central findings is that, in contrast to other scholarly accounts that emphasize gubernatorial weakness by pointing to the many formal constraints on governors, "governors do play a key role in shaping state fiscal and policy choices."<sup>49</sup>

While the link between state and national politics is not as explicit in this book as in Ambar's, the authors rightly claim that the study of governors can help reveal much about the nature of executive power.<sup>50</sup> Perhaps most centrally, they illustrate the relative irrelevance of formal executive authority as compared to other determinants of executive power. While a common scholarly practice is to distinguish "strong governors" and "weak governors" on the basis of formal powers granted to governors by their state constitutions, Kousser and Phillips demonstrate that this distinction fails to capture the most important variations in gubernatorial power.<sup>51</sup>

Instead, the authors "find that the power of chief executives often depends more on each governor's political circumstances and resources than on the formal powers delegated by the state constitution."<sup>52</sup> The structure of institutions matters for executive power—but not in the way you might think. In fact, the authors find that "one of the strongest determinants of gubernatorial power lies outside of the executive branch altogether—the professionalization of the legislature."<sup>53</sup> Professional legislatures, which meet full-time and consist of members whose position in the legislature is a full-time job, are able to engage in considerable political bargaining with the governor. By contrast, part-time citizen legislators can literally not afford to endure multiple rounds of negotiations with the governor, since most have second jobs to which they must return at the conclusion of their (often sharply time-limited) legislative sessions. Kousser and Phillips find that this lack of legislative patience on the part of non-professionalized legislatures empowers the governor in negotiations, particularly when it comes to budget policy.<sup>54</sup> While citizen legislatures might retain some romantic appeal by providing a "people's check"<sup>55</sup> against governors and their professional staffs, their continued existence in several jurisdictions actually serves to empower the governor.<sup>56</sup>

---

47. KOUSSER & PHILLIPS, *supra* note 6, at 2.

48. *Id.* at 3.

49. *Id.* at 19.

50. *Id.* at 6.

51. *Id.* at 254.

52. *Id.* at 24.

53. *Id.* at 6.

54. *Id.* at 226-33.

55. *Id.* at 220.

56. As the authors recount, this "people's check" argument was one of the ultimately unsuccessful arguments against legislative professionalization in California during the 1960s. *Id.* at 219-20.



This is not to say, however, that gubernatorial success is entirely reliant on structure outside of the governor's control. Governors have agency, and how they use it can help determine their ultimate success. Aspiring governors should take note of the authors' finding that a key determinant of success is to begin with a manageable agenda.<sup>57</sup> While public demands for policy leadership and the governor's own ambitions may tempt a newly elected governor to seek many policy goals, the authors find that governors who limit the size of their agendas to only a few key items are more likely to achieve them.<sup>58</sup> Further, and probably not surprisingly, governors who are willing to temper the ideological tenor of their policy proposals are more likely to succeed.<sup>59</sup> By contrast, governors who would benefit from a large "position-taking bonus" by pursuing more ideological proposals—such as governors with an eye to the White House—are less likely to achieve policy success.<sup>60</sup>

Among the book's many strengths is its reliance on a remarkable array of methods to probe the extent of gubernatorial power. Throughout the text, the authors employ game theory, quantitative analysis, case studies, and extensive interviews with major statehouse players from various states. At the heart of their analysis are two original datasets, one of which includes the fates of over one thousand policy and budget proposals made by several governors in their State of the State addresses, and a second that includes governors' budget proposals and final budget outcomes across twenty-one fiscal years.<sup>61</sup> This data, along with the authors' command of sophisticated methods, enables Kousser and Phillips to make considerable advances in our understanding of gubernatorial power.

To be sure, some of the authors' findings are not entirely surprising. Few readers will be shocked to learn that governors tend to be less successful when members of the opposite party control the legislature, or that the largest factor contributing to the ideological tilt of a governor's overall agenda is the party in which the governor is a member.<sup>62</sup> Similarly, while the authors' discussion of the line-item veto is quite interesting, it largely confirms earlier research in finding that the line-item veto does not significantly increase gubernatorial power.<sup>63</sup>

This is emphatically not to say, however, that readers will fail to learn anything new from this book. To the contrary, the authors' reliance on such a wide range of data reveals a great deal of interest to students and scholars. Perhaps the authors' most important finding is that "critically different dynamics drive bargaining over the budget and over policy bills."<sup>64</sup> The book's subtitle, "Winning on Budgets and Losing on Policy," somewhat puzzlingly discounts the authors' findings that governors often *do* win on policy, but it nevertheless highlights that governors are

---

57. *Id.* at 129.

58. *Id.* at 127-29.

59. *Id.* at 129.

60. *Id.* at 125-27.

61. *Id.* at 4-5.

62. *Id.* at 97.

63. *Id.* at 214.

64. *Id.* at 3.

the most successful when negotiating with legislators over the budget.<sup>65</sup> The chief reason for this is because in most states, failure to pass a budget “triggers an automatic shutdown of the government.”<sup>66</sup> Given the negative political consequences of a government shutdown on legislators and the governor alike, the prospect of this political calamity forces both sides to the bargaining table.<sup>67</sup> Legislative inaction on the governor’s policy bills, by contrast, means “nothing too terrible happens.”<sup>68</sup> Rather than triggering an automatic government shutdown, all that happens when the legislature fails to enact one of the governors’ policy bills is that it maintains the status quo.<sup>69</sup>

The authors also help explain why, rather counter-intuitively, governors such as Louisiana Governor Kathleen Blanco and Governor Bob Taft in Ohio were able to achieve budgetary and policy successes even as their popularity among their state constituents collapsed.<sup>70</sup> By developing innovative “impact scores” that weigh various proposals according to their overall policy impact,<sup>71</sup> the authors explain that unpopular governors like Blanco and Taft were able to secure successes because they acted strategically by scaling back their agendas to be far less ambitious.<sup>72</sup> The authors present numerous other interesting findings as well—indeed too many to do justice to in this short essay.

The authors cover so much ground in this book that it is perhaps unfair to expect much more. That said, I was not entirely convinced by their analysis of the differing dynamics underlying the governors’ budget versus policy negotiations. On policy, they argue that governors face institutional constraints that limit their power.<sup>73</sup> To achieve policy success, governors must shape their policy proposals strategically in light of institutional arrangements largely outside of their control, particularly the ideological proclivities of the legislature. By contrast, the authors claim, governors have much more agency in developing their budget proposals.<sup>74</sup> Because the legislature must come to the negotiating table to pass a budget every year, it cannot ignore “unreasonable” gubernatorial proposals in the same way it can with policy.<sup>75</sup> “Simply put, governors do not need to be strategic when formulating their fiscal agendas.”<sup>76</sup>

The assumption that governors enjoy nearly complete control over their budget proposals, however, overlooks how budgets are themselves institutions that shape the governor’s bargaining circumstances. When governors develop their annual budget proposals, they do so based upon the existing structure of previous

---

65. *Id.* at 115.

66. *Id.* at 31.

67. *Id.*

68. *Id.* at 30.

69. *Id.*

70. *Id.* at 174-86.

71. *Id.* at 111.

72. *Id.* at 186-87.

73. *Id.* at 31-33.

74. *Id.* at 118.

75. *Id.* at 118.

76. *Id.* at 90.

years' budgets—budgets that they may have had no control in developing. Deviations from this existing structure are typically incremental rather than substantial, especially since existing budget programs already have built-in constituencies willing to defend the status quo. In this sense, budgets are similar to other durable institutions defined in part by their resistance to change. By contrast, when developing policy proposals, governors work from a cleaner slate than they do with the budget. Because they are not working off an existing template, governors appear freer to ask for their sincere preferences on policy rather than the budget. This different institutional dynamic would help explain the author's initially surprising finding that Republican and Democratic governors tend to propose very similar budgets even as their policy proposals differ considerably.<sup>77</sup> While the authors suggest that this reflects ideological flexibility on the part of governors,<sup>78</sup> it seems more likely that this is because governors' budget preferences are limited by the structure of the state budget already existing when they take office.

The authors might have also placed more emphasis on the broader implications of their study. At several points in the book, and especially in the conclusion, the authors suggest that the study of governors can teach us much about politics more broadly.<sup>79</sup> This is certainly correct, but the authors might have made more of this point. It is true, as they state, that scholars can benefit from taking advantage of the research opportunities offered by wide variation in the states.<sup>80</sup> This methodological focus, however, partially obscures one of the major substantive contributions of the book, which, like Ambar's, illustrates that the study of the states' chief executives can reveal much about the exercise of executive power generally. For one, the book demonstrates that understanding executive power requires close examination of the broader institutional relationships in which it is situated. This focus on inter-branch relationships parallels important works examining other institutions, such as studies of how judges and justices act strategically in reaction to other branches and how conflicts between the president and Congress generate new avenues for litigation to influence politics.<sup>81</sup> By placing their study in this broader context, and perhaps including a separate discussion of the broader nature of executive power and how gubernatorial power fits into it, the argument that scholars even outside of "state politics" ought to pay attention to governors might have been made more explicit.

These are relatively minor quibbles, however. Kousser and Phillips's work is a major advance in our understanding of gubernatorial power. This is due not only to

---

77. *Id.* at 144, 152.

78. *Id.* at 144.

79. *Id.* 256-57.

80. *Id.* at 256.

81. *See generally* JEB BARNES, *DUST UP: ASBESTOS LITIGATION AND THE FAILURE OF COMMONSENSE POLICY REFORM* (2011) (discussing the interactions among Congress, the President, and the Supreme Court regarding asbestos reform); LEE EPSTEIN & JACK KNIGHT, *THE CHOICES JUSTICES MAKE* (1998) (exploring how the decisions made by the Supreme Court are a result of strategic interactions among the Justices and between the Court and other branches of government); SEAN FARHANG, *THE LITIGATION STATE: PUBLIC REGULATION AND PRIVATE LAWSUITS IN THE UNITED STATES* (2010) (examining how the conflicts between legislative and executive preferences encourages Congress to rely upon private litigation for statutory implementation).

their impressive data collection but their recognition that understanding executive power means looking beyond its formal characteristics to examine how this power is embedded in a complex web of institutional relationships that help it expand and contract.

\* \* \*

Some fifty years ago, Richard Neustadt famously noted that the American Constitution created not “separated powers,” but rather a system of “separated institutions *sharing* powers.”<sup>82</sup> While Neustadt’s formulation is widely quoted and seemingly accepted as part of the scholarly conventional wisdom, the study of politics nevertheless remains highly fragmented. The American Political Science Association, for example, by last count listed forty-four separate organized sections such as “Legislative Studies,” “Presidents and Executive Politics,” and “State Politics and Policy.”<sup>83</sup> However practically necessary this scholarly separation might be, it threatens to obscure a deeper understanding of how politics actually works. Politics between the levels of America’s federalist structure has become increasingly blended, driven by developments in national social policy, political party development, and the nationalization of issues, culture, and attitudes throughout America’s many jurisdictions. What happens in Vegas does not stay in Vegas, at least for the purposes of contemporary American political development. This makes it all the more important for scholars across subfields to turn their attention to the states. By providing fresh perspectives on how governors exercise executive power, the books by Ambar and Kousser and Phillips help demonstrate the importance of state politics to the broader understanding of American politics.<sup>84</sup>

---

82. NEUSTADT, *supra* note 39, at 33.

83. *Organized Sections, AM. POL. SCI. ASS’N*, <http://www.apsanet.org/sections/index.cfm?CFID=21911048&CFTOKEN=70055392> (last visited Dec. 20, 2013).

84. *See generally* AMBAR, *supra* note 5; KOUSSER & PHILLIPS, *supra* note 6.